

Matthew J. Matagrano
04A5883

Wende Correctional Facility
3040 Wende Rd. P.O. Box 1187
Alden, N.Y. 14004-1187

February 23, 2007

Plaintiff's request is
denied as noted. See
Dkt# 41.

Hon. David N. Hurd

Justice, United States District Court

Northern District of New York

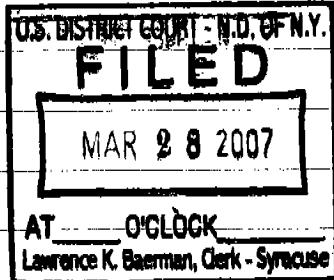
P.O. Box 7367 100 S. Clinton Street

Syracuse, N.Y. 13261 - 7367

Scanned as per direction
of Marguerite Conan
Dated: 3/28/07

Marguerite A. Conan, Esq.

Re: Matagrano v. Miles, et al;
05 cv 1459 (CDNH) (RFT)



Your Honor:

I am the pro-se plaintiff in the
above action and respectfully write to see your
assistance.

Today, I was informed by the
Facility Inmate Accounts through Mr. John
McGregor that the facility will not authorize
advance legal copies without an Order from his
honor. As his honor knows, the court granted
informa pauperis status on April 21, 2006
and directed Wende Correctional Facility to
encumber the \$ 250.00 statutory filing fee,
without any pre payment.

Matagrano v. Miles, et al.
05 cv 1459 (DNH) (RFT)

- 2 -

The defendant's anticipate filing their response on or about February 27, 2007 to the Second amended complaint, as such I intend to refile my application pursuant to 28 U.S.C. Section 1915 for counsel. On August 23, 2006, Magistrate Judge Randolph F. Trecece denied my first application without prejudice to be refiled after defendants have answered.

According to the local rules of the Northern District of New York, a pro-se plaintiff seeking appointment of counsel must attach proof as to his efforts to obtain counsel on his own. I do have such required proof, however, I am being hindered by the facility's refusal to encumber the \$ 4.20 necessary for me to make copies and appropriately file and serve my application. I do not have the funds available to make the copies due to this Court's encumbered surcharge and another encumberance of \$ 48.95. I receive only \$ 3.00 a week in inmate program pay.

Therefore, I respectfully ask his Honor's assistance in encumbering the funds required to have the copies made. I thank you for your time and assistance. I am;

Very Truly Yours,

Matthew John Matagrano

To: Senator Barry Sivda
Assistant Attorney General
Syracuse Regional Office
615 Eric Blvd, West Suite 102
Syracuse, N.Y. 13204

To: Ms. Elizabeth Blake
Institutional Steward
Wende Corr. Facility